

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

WILLIAM FOLEY,	)	
	)	
Plaintiff,	)	
	)	
V.	)	Civil Action No. 04- 12126 EFH
	)	
ALCATEL USA, INC.,	)	
	)	
Defendant.	)	

**ALCATEL USA, INC.'S CROSS MOTION FOR A PROTECTIVE ORDER  
(WITH REQUEST FOR ORAL ARGUMENT)**

Pursuant to FED. R. CIV. P. 26(c), defendant Alcatel USA, Inc. ("Alcatel") moves for a protective order that limits the discovery of the plaintiff in this action to the administrative record. As grounds for this Motion, Alcatel relies upon and incorporates by reference as if fully set forth herein the preliminary statement, relevant facts, legal argument and conclusion in its Opposition to William Foley's Motion To Compel And Cross Motion For A Protective Order, which Opposition was filed on September 16, 2005, with this Court.<sup>1</sup>

**REQUEST FOR ORAL ARGUMENT**

Alcatel respectfully requests that the Court schedule an oral argument on this Motion.

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<sup>1</sup> This Court's Clerk has informed Alcatel's counsel that the motion for a protective order should be filed as a separate document with the Court.

ALCATEL USA, INC.

By its attorneys,

/s/ T. Christopher Donnelly

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DATED: September 16, 2005

**LOCAL RULE 37.1 CERTIFICATION**

I hereby certify that on September 16, 2005, I conferred by telephone with John Burke, counsel for William Foley, and attempted in good faith to resolve or narrow the issue presented by this Cross-Motion.

/s/ T. Christopher Donnelly

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T. Christopher Donnelly